

# **CHAPTER 11**

## **IMPLEMENTATION, AMENDMENTS & EVALUATION**

### **I. Regulations**

The comprehensive plan guides land use over the long term by applying specific land use designations throughout the unincorporated portion of King County and by providing guidelines for implementing regulations used to evaluate specific development proposals. To ensure that these implementing regulations are effective and warrant a high degree of public trust and confidence, the regulations must be equitable, reasonable and responsibly administered.

#### **I-101**

**King County's regulation of land use should:**

- a. Protect public health, safety and general welfare, and property rights;**
- b. Protect consumers from fraudulent practices in land use, land sales and development;**
- c. Implement and be consistent with the comprehensive plan and other adopted land use goals, policies and plans;**
- d. Be expeditious, predictable, clear, straightforward and internally consistent;**
- e. Provide clear direction for resolution of regulatory conflict;**
- f. Be enforceable, efficiently administered and provide appropriate incentives and penalties;**
- g. Be consistently and effectively enforced;**
- h. Create public and private benefits worth their cost;**
- i. Be coordinated with timely provision of necessary public facilities and services;**
- j. Encourage creativity and diversity in meeting county goals and policies;**
- k. Be coordinated with cities, special purpose districts and other public agencies to promote compatible development standards throughout King County;**
- l. Be responsive, understandable and accessible to the public;**

- m. Provide effective public notice and reasonable opportunities for the public (especially those directly affected) to be heard and to influence decisions;
- n. Avoid intruding on activities involving constitutionally protected freedoms of speech, petition, expression, assembly, association and economic competition, except when essential to protect public health, safety and welfare (and then the restriction should be no broader than necessary);
- o. Treat all members of the public equally regardless of race, culture or class and base regulatory decisions wholly on the applicable criteria and code requirements;
- p. Make development requirements readily accessible to the public through up-to-date codes, technical assistance materials and other relevant documents; and
- q. Provide for relief from existing regulations when they would deprive a property of uses allowed to similar properties with the same zoning or environmental or other constraints, and when such relief would neither endanger public health and safety nor conflict with adopted use policies. This policy is not intended for relief from rules governing the subdividing of land.

**((E-406)) I-102** King County ~~((wishes to create an equitable relationship with all citizens in the Rural Area who own or control potential development or redevelopment of property with critical or significant resource areas. King County should continue to provide options for property-specific technical assistance and tailored applications of critical areas regulations through Rural Stewardship, Forest Stewardship, and Farm Management Plans. However, some affected property owners may not wish to pursue one of these plans and will choose to accept fixed regulations under the critical areas, clearing and grading, and stormwater ordinances. These))~~ property owners are entitled to have their property assessed at the true and fair value of real property for taxation purposes. ~~((The portion(s) of a property that are not developed or redeveloped due to environmental constraints shall be assessed to reflect the presence of physical and environmental constraints as provided in))~~ Property appraisals shall be consistent with the King County Comprehensive Plan, development regulations, zoning, and any other governmental policies or practices in effect

at the time of appraisal that affect the use of property, as well as physical and environmental influences as required by RCW 84.40.030 ((and K.C.C. 4.62.010, 4.62.020, and 4.62.030)).

## **II. Comprehensive Plan Amendments**

*(Moved from Chapter 1)*

In the process of implementing the comprehensive plan, there may be a need for amendments to address emerging land use and regulatory issues. The county has established the comprehensive plan amendment process to enable individual ~~((citizens))~~ residents, businesses, community groups, cities, county departments and others to propose changes to existing comprehensive plan policies and development regulations. This process provides for continuous and systematic review of comprehensive plan policies and development regulations in response to changing conditions and circumstances impacting growth and development throughout King County.

The comprehensive plan amendment process includes an annual cycle and a four-year cycle. The annual cycle generally is limited to those amendments that propose technical changes. The four-year cycle is designed to address amendments that propose substantive changes. This amendment process, based on a defined cycle, provides the measure of certainty and predictability necessary to allow for new land use initiatives to work. By allowing annual amendments, the process provides sufficient flexibility to account for technical adjustments or changed circumstances. The process requires early and continuous public involvement and necessitates meaningful public dialogue.

King County has established a docket process to facilitate public involvement and participation in the comprehensive plan amendment process in accordance with RCW 36.70A.470. Parties interested in proposing changes to existing comprehensive plan policies, development regulations, land use designations, zoning, or other components of the plan can obtain and complete a docket form outlining the proposed amendment. Docket forms are available via the King County Web site at:

<http://www.kingcounty.gov/property/permits/codes/growth/CompPlan/amend/docket.aspx>

- ~~((RP-304))~~ I-201      The amendment process shall provide continuing review and evaluation of comprehensive plan policies and development regulations.**
- ~~((RP-302))~~ I-202      Through the amendment process, King County Comprehensive Plan policies and supporting development regulations shall be subject to review, evaluation, and amendment according to an annual cycle and a four-year cycle in accordance with RCW 36.70A.130 (1) and (2).**
- ~~((RP-303))~~ I-203      Except as otherwise provided in this policy, the annual cycle shall not consider proposed amendments to the King County Comprehensive Plan that require substantive changes to comprehensive plan policies and development regulations or that alter the Urban Growth Area (UGA) ~~((Boundary))~~.**

Substantive amendments and changes to the UGA ~~((Boundary))~~ may be considered in the annual amendment cycle only if the proposed amendments are necessary for the protection and recovery of threatened and endangered species, or to implement a proposal for a 4 to 1 project ~~((or to implement an amendment to a joint interlocal/development agreement in existence on January 1, 2008, between King County, another local government, and one or more private parties, only if the amendment to the joint interlocal/development agreement includes a provision to alter the UGA boundary to add areas to the Urban Growth Area, requires that an area four times the area that is added to the Urban Growth Area be permanently designated as park or open space and requires the transfer of development rights on terms as provided in the amendment))~~.

**~~((RP-304))~~ I-204** The four-year cycle shall consider proposed amendments that could be considered in the annual cycle and also those outside the scope of the annual cycle, proposed amendments relating to substantive changes to comprehensive plan policies and development regulations, and proposals to alter the Urban Growth Area ~~((Boundary))~~ in accordance with applicable provisions of Countywide Planning ~~((Policy FW-4))~~ Policies.

**~~((RP-305))~~ I-205** In accordance with RCW 36.70A.140 and the State Environmental Policy Act, as applicable, King County shall ensure public participation in the amendment process for comprehensive plan policies and development regulations. King County shall disseminate information regarding public involvement in the comprehensive plan amendment process, including, but not limited to, the following: description of procedures and schedules for proposing amendments to comprehensive plan policies and development regulations; guidelines for participating in the docket process; public meetings to obtain comments from the public or other agencies; provision of public review documents; and dissemination of information relating to the comprehensive plan amendment process on the Internet or through other methods.

The following policies guide the preparation of amendments and their review by King County.

**~~((RP-306))~~ I-206** Amendments to the Comprehensive Plan shall be subject to broad public participation from individuals, tribes, Unincorporated Area Councils, community councils, community development associations, and other

organized groups. ~~((Land Use Map are subject to the requirements listed in policies RP-307 and RP-308.))~~

- ~~((RP-307))~~ **I-207** Proposed amendments ~~((each calendar year))~~ to the King County Comprehensive Plan, including the Land Use Map, shall be considered by the ~~((Metropolitan))~~ King County Council ~~((concurrently))~~ only once each calendar year in accordance with the State Growth Management Act and so that the cumulative effect of the proposals can be determined. All proposed Comprehensive Plan amendments should include the following ~~((elements))~~ analysis:
- a. **Rationale:** ~~((A))~~ a detailed statement of what is proposed to be changed and why;
  - b. **Effect:** ~~((A))~~ a statement of the anticipated ~~((impacts))~~ outcome of the change~~((, including geographic area affected, populations affected, affect on climate change, and issues presented))~~;
  - c. ~~((A demonstration of why existing comprehensive plan guidance should not continue in effect or why existing criteria no longer apply;~~
  - d.)) A statement ~~((of how the amendment complies))~~ demonstrating compliance with the Growth Management Act~~((s goals and specific requirements))~~;
  - ~~((e))~~ d. A statement ~~((of how the amendment complies))~~ demonstrating compliance with the Countywide Planning Policies; and
  - e. A statement demonstrating consistency with the King County Strategic Plan, if applicable.
  - ~~((f. — A statement of how functional plans and capital improvement programs support the change; and~~
  - g. — Public review of the recommended change, necessary implementation (including area zoning if appropriate) and alternatives.))

- ~~((RP-308))~~ **I-208** Proposed amendments to the comprehensive plan policies should be accompanied by any changes to development regulations, modifications to capital improvement programs, subarea, neighborhood, and functional plans required for implementation so that regulations will be consistent with the plan.

A financial analysis is critical to all subarea and functional plans in order to evaluate the resources required and the time frame necessary for full implementation. Plan alternatives and costs should be clearly understood and plans should be financially achievable.

**~~((RP-309))~~ I-209** King County should identify the financial costs and public benefits of proposed subarea and functional plans prior to adoption to ensure that implementation can be appropriately prioritized.

### III. REVIEW AND EVALUATION

*(Moved from Chapter 1)*

In accordance with the Growth Management Act (GMA), King County and its cities ~~((developed a Review and Evaluation Program in order to collect and review information relating to a variety of critical land use planning issues))~~ employ an established review and evaluation program through the *King County Benchmark Program*, as provided by the King County Countywide Planning Policies. The purpose of the ~~((Review and Evaluation Program is to provide policy makers, business leaders, cities, other agencies, and the public with information to evaluate the progress made by jurisdictions on the implementation of the respective comprehensive plan and Countywide Planning Policies))~~ program is to determine whether the county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the Countywide Planning Policies and the county and city comprehensive plans with actual growth and development in the county and cities.

In partnership with the *King County Growth Report*, the *King County Buildable Lands Report* and supplementary monitoring of the King County Comprehensive Plan, the King County Benchmark Program ~~((The Review and Evaluation Program involves a combination of implementation, monitoring, and reporting of information relating to critical countywide measures and indicators. This information is furnished through annual publications such as *The King County Annual Growth Report* and *The King County Benchmark Report*. King County))~~ collects and reviews information relating to and including, but not limited to, the following:

- Urban densities;
- Remaining land capacity ~~((buildable lands))~~;
- Growth and development assumptions, targets, and objectives;
- Residential, commercial, and industrial development;
- Transportation;
- Affordable housing;
- Economic development; and
- Environmental quality.

~~((Working in cooperation with the Growth Management Planning Council and the cities, King County evaluates data collected countywide and publishes the King County Annual Growth Report and the King County Benchmark Report. In addition, on an on-going basis, King County prepares and transmits progress reports to the Washington State Department of Community, Trade and Economic Development.))~~



~~((Some of the objectives of the Review and Evaluation Program include:))~~ Objectives relating to this review and evaluation include:

- Determining whether a county and its cities are achieving urban densities within urban growth areas by comparing growth and development assumptions, targets, and objectives contained in the Countywide Planning Policies and the county and city comprehensive plans with actual growth and development in the county and cities;
- Determining whether there is sufficient suitable land to accommodate applicable countywide population projections;
- Determining the actual density of housing constructed within the UGA since the adoption of, or since the most recent evaluation of, the comprehensive plan;
- Determining the actual amount of land developed for commercial and industrial uses within the UGA since the adoption of, or since the most recent evaluation of, the comprehensive plan;
- Reviewing commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan; and
- Adopting and implementing measures intended to promote consistency between estimates of available land capacity, measures of actual development by type, and goals and objectives of city and county comprehensive plan policies, development regulations, and Countywide Planning Policies. Such measures include, but are not limited to, possible amendments to Countywide Planning Policies as determined necessary by the county and the cities.

**~~((RP-401)) ((King County shall, in conjunction with the cities in accordance with the Countywide Planning Policies, conduct a Review and Evaluation Program to determine whether it is achieving needed urban densities within the Urban Growth Area. If necessary, the evaluation should also identify measures, other than adjusting the UGA, that can be taken to comply with the GMA.))~~** **Monitor and benchmark the progress of the Countywide Planning Policies and King County Comprehensive Plan toward achieving their objectives, inclusive of those relating to the environment, development patterns, housing, the economy, transportation, and the provision of public services. Use results of such monitoring to encourage implementation actions and inform policy revisions as appropriate to achieve the planning objectives found within the Countywide Planning Policies and King County Comprehensive Plan.**

**RP-402      *Moved to Urban Chapter, Policy U-116a***

## IV. LAND USE DESIGNATIONS AND ZONING CLASSIFICATIONS/CODE

The application of zoning classifications on specific properties is the first step towards implementing the land use designations of the comprehensive plan. Boundaries between different zone classifications may follow property lines, natural features or other dividing lines such as roads. A land use designation is implemented by one or more specific zone classification, as indicated on the table below:

Comprehensive Plan Land Uses	Zoning*
Unincorporated Activity Center : White Center	R-12, R-18, R-24, R-48, NB, CB, O, I
Community Business Center	NB, CB, O
Neighborhood Business Center	NB, O
Commercial Outside of Centers	NB, CB, RB, O, I - this is the range of existing zoning in place when the comprehensive plan was adopted
Urban Planned Development	R-1, R-4, R-6, R-8, R-12, R-18, R-24, R-48, NB, CB, RB, O, I
Urban Residential, High	R-18, R-24, R-48
Urban Residential, Medium	R-4, R-6, R-8, R-12
Urban Residential, Low	R-1
Rural City Urban Growth Area	UR The following two zones were in place in the North Bend UGA when the comprehensive plan was adopted in 1994: I, RB
Rural Town	R-1, R-4, R-6, R-8, R-12, R-18, R-24, R-48, NB, CB, RB, O, I
Rural Neighborhood Commercial Center	NB((, RA-5))
Rural Area	RA-2.5, RA-5, RA-10, RA-20
Industrial	I
Forestry	F, M
Agriculture	A
Mining	M
Greenbelt/Urban Separator	R-1
King County Open Space System	All zones
Other Parks/Wilderness	All zones

\* This is the range of zoning that may be allowed within each comprehensive plan land use designations subject to comprehensive plan and subarea plan policies. Actual zoning on a specific property is determined through the area-wide zoning process or through a quasi-judicial rezone application.

Zoning Designations

A	Agricultural (10 or 35 acre minimum lot area)
F	Forest (80 acre minimum lot area)
M	Mineral
RA	Rural Area (2.5-acre, 5-acre, 10-acre or 20-acre minimum density)
UR	Urban Reserve
R	Urban Residential (base density in dwelling units per acre)
NB	Neighborhood Business
CB	Community Business
RB	Regional Business
O	Office
I	Industrial

The Zoning Code (Title 21A) establishes precise rules for each zoning classification such as permitted residential densities and activities or allowed commercial and industrial development activities, and striving for separation between incompatible uses. This code includes standards relative to bulk (i.e. lot size and coverage, building heights and setbacks, landscape standards).

**I-~~(402)~~401      The King County Zoning Code's zone classifications and development standards and the official zoning maps shall be consistent with the comprehensive plan and functional plans.**

## **V. Other Implementing King County Codes**

In addition to the Zoning Code, King County regulates land development and construction based on the comprehensive plan through a variety of technical code standards resulting in permits and approvals for specific projects.

In terms of land use regulation, the most important of these other implementing codes are Land Segregation (K.C.C. Title 19A) and Shoreline Management (K.C.C. Title 25). The Land Segregation code regulates division of a parcel of land into smaller lots for transfer of ownership. The Shoreline Management code regulates the issuance of substantial development permits for lands abutting waters governed by the Washington State Shoreline Management Act.

Other development approvals include commercial or industrial construction permits. Review of land segregation, substantial development permits and other development proposals are key parts of the development process for making sure facilities and services to support potential development are adequate and for evaluating environmental impacts.

**I-((201)) 402**      **When needed infrastructure and facilities are not available in a timely manner, development approvals shall either be denied or divided into phases, or the project proponents should provide the needed facilities and infrastructure to address impacts directly attributable to their project, or as may be provided by the proponent on a voluntary basis.**

**I-((202)) 403**      **King County's permitting systems should provide for expeditious review of projects consistent with zoning and adopted policies.**

**I-((203)) 404**      **Subdivision, short subdivision and other development approvals, including those requiring detailed environmental review under the State Environmental Policy Act (SEPA) shall be reviewed for consistency with the comprehensive plan, zoning, community, subarea plans, functional plans and capital improvement programs.**

**I-((204)) 405**      **King County shall enforce its land use and environmental regulations by pursuing code enforcement complaints, and providing oversight during the process of site development on all sites for which it issues permits.**

**I-((205)) 406**

**King County shall develop, as a part of the buildable lands analysis, a zoning yield and housing production monitoring program to determine whether housing capacity is being lost in the context of compliance with the Endangered Species Act, and shall propose revisions to the countywide planning policies to implement such a program.**

## **VI. INCENTIVES**

To ensure that the vision, goals, objectives, and policies of this plan become a reality, it will require adjusting policy and budget priorities by King County government. It will also require individuals to reconsider their daily decisions and choices relating to the management or development of their lands, as well as the decisions and choices of large scale public/private partnerships during the development of major projects will be critical factors contributing to the effective implementation of this plan. Incentives, like the ((TDC)) Transfer of Development Rights Program, must encourage the types of growth and development patterns desired by King County and its residents.

- I-((304)) 501      King County should develop incentives for the Urban Growth Area ((which)) that encourage the development industry to provide a broad range of housing and business space. Incentives could include:**
- a.      Identification of geographic areas with infill opportunities, granting them budget priority status and subjecting new development in these areas to more flexible standards;**
  - b.      Density bonuses for site designs which provide public benefits (for example, grid roads that connect with other developments and limit impacts on arterials);**
  - c.      Incentives which lower financial development risk;**
  - d.      Joint development opportunities at county-owned or operated facilities, utilization of air rights on county-owned or operated facilities, and the establishment of transit-supportive design guidelines; and**
  - e.      County capital improvement funding for public urban amenities including transportation, parks, open space, cultural and other facilities for cities participating in the King County Transfer of Development Rights Program.**